

**MINUTES OF THE JANUARY 10, 2017 REGULAR SESSION
GREEN COVE SPRINGS CITY COUNCIL**

Call to Order

The regular session of the Green Cove Springs City Council was called to order Tuesday, January 10, 2017, at 7:00 p.m. in the City Council Chambers, 321 Walnut Street, Green Cove Springs, Florida.

Invocation and Pledge of Allegiance to the Flag

The invocation was given by Mayor Lewis followed by the Pledge of Allegiance to the Flag of the United States of America.

Roll Call

COUNCIL MEMBERS PRESENT:

Constance W. Butler
Steven Kelley
B. Van Royal
Roy M. Timberlake, Jr., Vice Mayor
Pamela J. Lewis, Mayor

STAFF MEMBERS PRESENT:

L. J. Arnold, III, City Attorney
Julia W. Clevinger, City Clerk
Janis Fleet, Development Services Director
Marlena Guthrie, Finance Director
Danielle J. Judd, City Manager
Mary Jane Lundy, Interim Personnel Director
Robert Musco, Chief of Police
Mike Null, Asst. City Mgr. / Public Works Dir.

**Mayor to call on members of the audience wishing to address
the Council on matters not on the Agenda.**

Mayor Lewis recognized Amy Stump, 209 Vintage Oaks Circle, St. Augustine, who inquired about financing possibilities from the City for the mural project on Green Cove Springs. The City Manager suggested that Ms. Stump make an appointment with her to discuss further.

Mayor Lewis recognized Henrietta Francis who requested to address the City Council at a later time in the meeting as Ms. Dixon had not yet arrived.

Ms. Judd requested that Council Business Item No. 3 be addressed as the first item of business. She also acknowledged the attendance of Hooper Corporation in the audience.

AWARDS AND RECOGNITION

A MOTION WAS MADE BY VICE MAYOR TIMBERLAKE TO APPROVE [THE PROCLAMATIONS FOR MARTIN LUTHER KING, JR. DAY AND ARBOR DAY]. THE MOTION WAS SECONDED BY COUNCIL MEMBER BUTLER. THERE BEING NO FURTHER DISCUSSION, THE MOTION WAS APPROVED BY THE FOLLOWING ROLL CALL VOTE: AYES – COUNCIL MEMBERS CONSTANCE W. BUTLER, STEVEN R. KELLEY, B. VAN ROYAL, ROY M. TIMBERLAKE, JR., AND PAMELA J. LEWIS, MAYOR. NAYS – NONE.

1. Proclamation – Martin Luther King, Jr. Day.

Mayor Lewis announced that the Proclamation would be presented and read at the M.L.K. Day Celebration on Monday, January 16th at Vera Francis Hall Park (see attachment marked Exhibit “A”).

2. Proclamation – Arbor Day.

Council Member Royal read the Proclamation into the record (see attachment marked Exhibit “B”). Sandra Royal gave an update on the ceremony planned for 10:00 a.m. on Friday, January 20th at the Augusta Savage Arts and Community Center.

At this time, Ms. Judd requested and Mayor Lewis acknowledged Mr. Null who provided an update on the progress on the Spring Park Pool Project. She also acknowledged the Board of County Commissioners Chairman Wayne Bolla, Commissioner Mike Cella, and County Manager Stephanie Kopelousos.

Mayor Lewis recognized Henrietta Francis, 2439 Bonnie Lakes Drive, Green Cove Springs, and Adeleane Dixon, 458 Crabapple Court, Orange Park, who gave a brief update on the plans for Black History Month in February. Ms. Francis inquired about funding assistance from the City for the rental of audio and lighting equipment in the total amount of \$1,400. This would include a refundable deposit of \$727.08 (10% of the retail value of the equipment), equipment rental of \$499.99, and a custodial fee for Green Cove Springs Junior High of \$100.00. As noted by Ms. Judd, funds would come from the General Services – Special Events Budget and the City would sign the liability agreement with the School Board for use of the Cafetorium at Green Cove Springs Junior High. Ms. Francis explained that Ms. Dixon’s son would be handling the equipment and was properly trained. She did not believe there would be any issues. Ms. Dixon explained that the play was a full stage production and would require the additional lighting.

AN EMERGENCY MOTION WAS MADE BY VICE MAYOR TIMBERLAKE TO PROVIDE UP TO \$600 PLUS THE DEPOSIT FOR THIS EVENT. THE MOTION WAS SECONDED BY COUNCIL MEMBER ROYAL.

Under discussion of the motion, Vice Mayor Timberlake amended his motion to require that Ms. Francis and Ms. Dixon have the equipment set up and tested before they signed to accept the equipment. Ms. Francis agreed. Council Member Royal seconded the amended motion.

THERE BEING NO FURTHER DISCUSSION, THE MOTION WAS APPROVED BY THE FOLLOWING ROLL CALL VOTE: AYES – COUNCIL MEMBERS CONSTANCE W. BUTLER, STEVEN R. KELLEY, B. VAN ROYAL, ROY M. TIMBERLAKE, JR., AND PAMELA J. LEWIS, MAYOR. NAYS – NONE.

Ms. Judd noted the play would be performed on Saturday, February 18th at 7:00 p.m.

CONSENT AGENDA

- 1. City Council approval of the Minutes from the Regular and Special Sessions on December 6, 2016.**
- 2. City Council approval to declare items listed on Exhibit “A” (Misc.) as surplus and to dispose of accordingly.**
- 3. City Council approval to surplus Nighthawk electric meters.**
- 4. City Council approval to enter into an Agreement with FEMA for State Public Assistance for Hurricane Matthew Damage and authorization for the mayor to execute said Agreement.**
- 5. City Council approval of Resolution No. R-01-2017 (see attachment marked Exhibit “C”), a Resolution approving Amendment 1 to the FDEP SRF Loan WW 100400 and authorizing the Mayor to execute said Amendment.**
- 6. City Council approval of Resolution No. R-02-2017 (see attachment marked Exhibit “D”), a Resolution authorizing the Mayor to execute the FDEP SRF Loan No. 100401 for Special Studies, Design and Permitting of improvements to the City's Wastewater Treatment, Wastewater Collection and Reclaimed Water Systems.**
- 7. City Council approval of the Professional Engineering Services Agreement with Mittauer and Associates for the Special Studies, Design and Permitting associated with the capital improvements to the City's Wastewater Treatment, Wastewater Collection and Reclaimed Water Systems.**
- 8. City Council acceptance of the Green Cove Dragway Noise Abatement Report.**
- 9. City Council ratification of the Comcast Business Class Fiber Contract.**
- 10. City Council approval of a Site Development Plan for Heritage Signs to be located at 1282 Energy Cove Court.**
- 11. City Council approval of expenditure to Piling Products for permanent placement of sheet piling at Spring Park.**
- 12. City Council approval of a Severance Agreement and Full and Final Release between the City of Green Cove Springs and Ann Schulte.**
- 13. City Council approval of Pay Request No. 8 in the amount of \$280,494.04 to Core Construction, under New Contract Value of \$2,226,832.00 for the Historic Spring Park Pool & Interactive Water Feature Construction Project.**
- 14. City Council approval of Pay Request No. 7 in the amount of \$2,500 to Cypress Management and Design LLC, under contract value of \$25,000, for the Historic Spring Park Pool & Interactive Water Feature Owner's Representative Services.**
- 15. City Council approval of Pay Request No. 2 in the amount of \$174,208.67 to Pipeline Constructors, Inc., under Contract Value of \$563,470 for the Citizen Street HMGP Stormwater Improvements Project.**

16. **City Council approval of Pay Requests No. 7 and 8 in the amounts of \$3,714.28 and \$2,112.50, respectively, to Matthews Design Group, Inc., under Contract Value of \$35,000, for the Historic Spring Park Pool & Interactive Water Feature Project Construction Inspection Services.**
17. **City Council approval of Pay Request No. 1 in the amount of \$6,432.85 to CHW, under Contract Value of \$42,650.00 for Construction Inspection Services related to the Citizen Street HMGP Stormwater Improvements Project.**

A MOTION WAS MADE BY VICE MAYOR TIMBERLAKE TO APPROVE CONSENT AGENDA ITEMS 1 THROUGH 17 AS LISTED ABOVE. THE MOTION WAS SECONDED BY COUNCIL MEMBER ROYAL. THERE BEING NO FURTHER DISCUSSION, THE MOTION WAS APPROVED BY THE FOLLOWING ROLL CALL VOTE: AYES – COUNCIL MEMBERS CONSTANCE W. BUTLER, STEVEN R. KELLEY, B. VAN ROYAL, ROY M. TIMBERLAKE, JR., AND PAMELA J. LEWIS, MAYOR. NAYS – NONE.

Clerk's Note: At the January 24th City Council meeting, Council Member Royal advised that he should have recused himself from the vote for Consent Agenda Item No. 14 even though the company K & V Investments has since been dissolved. Please see attachment marked Exhibit "E".

COUNCIL BUSINESS

Mayor Lewis moved to Council Business Item No. 3 to accommodate members in the audience.

3. City Council review of the Annexation Report. *Fleet*

Discussion ensued with the City Council regarding review of the Annexation Report as presented by Ms. Judd. Ms. Fleet reviewed the Staff Report. In addition, the following points of interest were discussed:

- Service Delivery areas;
- State Statute requirements for road paving;
- The need for additional law enforcement officers is due to the volume of calls from St. Johns Landing;
- The increase in Certificates of Occupancy for Magnolia Point and Magnolia West will also drive the Service Delivery in terms of law enforcement response times which will be addressed during the Budget process;
- DEO Grant;
- Enclaves;
- Existing septic tanks and possible / future failures and whether or not the City would be required to run sewer lines to those areas;
- Concurrency – \$32 million expansion of the Wastewater Plant / System, Parks, Transportation, Solid Waste, and Drainage / Stormwater;

- A proposed schedule would not allow for the issue to be placed on the April 11, 2017 referendum;
- Fiscal impacts to the City relative to Police, Solid Waste, Roads, Stormwater;
- Development of Oakleaf Plantation and Gustafson's in relation to the Future of the First Coast Expressway;
- Redevelopment;
- Counter-productive to the "no growth" mentality;
- Funds spent on expanding infrastructure for growth;
- Electric utility customers who live in the County but in the City's Utility Service Area and have no voice with the City regarding their utilities;
- This has been an ongoing topic of discussion for years;
- Density issues;
- Write down the Pros and Cons;
- Square off the service boundaries;
- Quality of Life issues; and
- City Police respond to County jurisdictional areas before the County due to proximity of City officers.

The following citizens were recognized for comments:

- Felecia Hampshire, 508 Franklin Street, Green Cove Springs, who expressed her support of the proposed areas of annexation. She believed the City needed to step out as it would miss out the benefits and opportunities for future growth and would be a poor decision of the City to not move forward.
- Commissioner Mike Cella, 1630 Calming Water Drive, Fleming Island, who expressed his opposition to the proposed annexations. He believed the City was headed down the wrong path with the Annexation Plan and urged the City Council to not move forward with it. He questioned if the First Coast Expressway would be a benefit to the City. The County's Economic Development Council looked cautiously at future development. Commissioner Cella wanted to see the County build a better partnership with the City.
- Commission Chairman Wayne Bolla who expressed his thought such that the County auditor should also be reviewing this for a revenue neutral thing for the County. He concurred that both the City and County were in this for the benefit of the citizens. However, he was not sure that this proposal would deliver that for the citizens living in the proposed annexation areas.
- Bob Page, 1862 Colonial Drive, Green Cove Springs, who noted that Commissioner Cella had only noted the pitfalls for the City and not the County. Chairman Bolla had also pointed out that the City and County should do what is right for the citizens. In addition, he reminded the City Council of the pitfalls of not annexing to the boundaries of the Service Area as was being experienced by the City of Vero Beach and Indian River County where 80% of the customers were outside the city limits. Annexing to the boundaries of the Service Area would allow the opportunity for the citizenry to participate in the legislative process by which they are governed.

- Joe Sobotta, 212 North Street, Green Cove Springs, who inquired about the financial benefits of annexing into the City limits, the lack of services provided by the County to residents in the lower end of the County, the lack of ad valorem taxes due to the government buildings located in the City, and the lack of funding provided to the City from the County.

In response to Council Member Royal's question of why annexation was an issue now, Ms. Judd replied that it had been an issue since she started back in 2011. Reiterating that she was leaving the City in 12 months, it was her belief that the City needed to address its enclaves and service deliveries. In addition, the City had utilities that were greater than the City limits. The Administration had been forthcoming about discussion of annexation and it was her opinion that annexation was needed in order for the City to move forward. The question at the end of the day was "Does the City want to eliminate enclaves or not?" She felt the City was missing the boat on annexing the St. Johns Landing property.

Under further discussion, Ms. Judd felt it was important to talk now about service deliveries and enclaves versus not when they were upon the City. She expressed her utmost respect for the County Manager and the cooperation received from the County. It was important to make sure that the dollars between the City and County were maximized and the service deliveries were done by the best provider regardless of where the boundaries lie. From her perspective, she believed the County had been an excellent partner with the City.

Ms. Judd reminded the City Council that if the City was not in the utilities at the northern end of the service area, the Edgewater Subdivision would not exist.

A MOTION WAS MADE BY VICE MAYOR TIMBERLAKE TO ACCEPT THE ANNEXATION REPORT AS PRESENTED; PROCEED WITH THE ANNEXATION PROCESS; ASK STAFF TO COME BACK TO US WITH A REVISED PLAN THAT OUTLINES A TIMELINE [OF] THE STEPS IN ORDER TO SUCCESSFULLY ACHIEVE ANNEXATION; AND TO OUTLINE THE NEXT STEPS FOR US. THE MOTION WAS SECONDED BY COUNCIL MEMBER KELLEY. THERE BEING NO FURTHER DISCUSSION, THE MOTION WAS APPROVED BY THE FOLLOWING ROLL CALL VOTE: AYES – COUNCIL MEMBERS CONSTANCE W. BUTLER, STEVEN R. KELLEY, ROY M. TIMBERLAKE, JR., AND PAMELA J. LEWIS, MAYOR. NAYS – COUNCIL MEMBER B. VAN ROYAL.

Mayor Lewis expressed her appreciation to County Commissioners Cella and Bolla and County Manager Kopelousos for their attendance and that they were able to benefit from hearing the City's perspective.

1. FMPA Monthly Report December 2016. *Bob Page*

Discussion ensued with the City Council regarding the FMPA Monthly Report for December as presented by Mr. Page.

2. Stormwater Special Assessment. Council Member Van Royal

Discussion ensued with the City Council regarding the Stormwater Special Assessment as presented by Council Member Royal. Council Member Royal requested the City Council to consider waiving the Stormwater Assessment fees for the 37 parcels in Magnolia Point that are not part of the City's Stormwater System. He believed it was a double taxation on an infrastructure that was there to benefit all.

Ms. Judd disagreed stating that the fees were assessed by parcel. An option was for the Homeowners Association to combine the parcels as a common area. Council Member Royal disagreed stating the cost to replat would far outweigh the cost of the fees. Ms. Fleet advised that a replat was not necessary as the Property Appraiser was constantly combining parcel numbers and it should not be a problem. The County had already combined their parcels. Ms. Judd believed that if a waiver was granted, the City would be opening itself up for exemptions that will be asked for in the future. User fees for operations would be drafted in the future. Vice Mayor Timberlake was against the idea and felt that it would set a precedent. He did not feel he had enough information to vote on the issue. Mr. Arnold stated the Ordinance could be tweaked if needed to draft an exemption for private subdivisions. Ms. Judd was directed to bring this item back with more information.

3. City Council review of the Annexation Report. Fleet

See above.

Mayor Lewis requested that Supplemental Agenda Item No. 1 be addressed immediately following Council Business Item No. 4.

4. First Reading of Ordinance No. O-01-2017, an Ordinance to further streamline the process for approval of leases within the Augusta Savage Arts and Community Center ("ASACC"). Arnold

Mr. Arnold read the title of Ordinance No. O-01-2017 into the record as follows:

AN ORDINANCE OF THE CITY OF GREEN COVE SPRINGS, FLORIDA, AUTHORIZING THE LEASING OF THE AUGUSTA SAVAGE ARTS AND COMMUNITY CENTER; PROVIDING FOR TERMS AND CONDITIONS TO BE APPROVED BY CITY COUNCIL RESOLUTION; PROVIDING FOR REPEALER, SEVERABILITY, AND SETTING AN EFFECTIVE DATE.

Discussion ensued with the City Council regarding Ordinance No. O-01-2017, an Ordinance authorizing the leasing of the Augusta Savage Arts & Community Center, and providing terms and conditions to be approved by City Council Resolution as presented by Mr. Arnold and Ms. Judd. Ms. Judd requested that the reference to the "ASACC" be changed to "City-owned property".

A MOTION WAS MADE BY VICE MAYOR TIMBERLAKE TO APPROVE ORDINANCE NO. O-01-2017, AN ORDINANCE STREAMLINING THE PROCESS APPROVAL OF LEASING TO INCLUDE THE WORDS "CITY PROPERTIES" AS OPPOSED TO "AUGUSTA SAVAGE". THE MOTION WAS SECONDED BY COUNCIL MEMBER BUTLER. THERE BEING NO FURTHER DISCUSSION, THE MOTION WAS APPROVED BY THE FOLLOWING ROLL CALL VOTE: AYES – COUNCIL MEMBERS CONSTANCE W. BUTLER, STEVEN R. KELLEY, B. VAN ROYAL, ROY M. TIMBERLAKE, JR., AND PAMELA J. LEWIS, MAYOR. NAYS – NONE.

S.A.1. First Reading of Ordinance No. O-02-2017, an Ordinance authorizing the borrowing of \$165,877.00 to finance acquisition of a 2018 Freightliner MZ106 Recycle Truck.
Arnold

Mr. Arnold read the title of Ordinance No. O-02-2017 into the record as follows:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GREEN COVE SPRINGS, FLORIDA, AUTHORIZING THE LEASING WITH OPTION TO BUY A 2018 FREIGHTLINER MZ106 WITH FUNDS TO BE BORROWED FROM MERCEDES-BENZ FINANCIAL SERVICES USA, LLC IN THE AMOUNT OF \$165,887.00; AUTHORIZING THE EXECUTION BY CITY OFFICIALS OF ALL NECESSARY LOAN AND LEASE DOCUMENTS; PROVIDING FOR REPEALER, SEVERABILITY, AND SETTING AN EFFECTIVE DATE.

A MOTION WAS MADE BY VICE MAYOR TIMBERLAKE TO APPROVE ORDINANCE NO. O-02-2017 ON FIRST READING AS TO FORM ONLY. THE MOTION WAS SECONDED BY COUNCIL MEMBER BUTLER. THERE BEING NO FURTHER DISCUSSION, THE MOTION WAS APPROVED BY THE FOLLOWING ROLL CALL VOTE: AYES – COUNCIL MEMBERS CONSTANCE W. BUTLER, STEVEN R. KELLEY, B. VAN ROYAL, ROY M. TIMBERLAKE, JR., AND PAMELA J. LEWIS, MAYOR. NAYS – NONE.

5. City Manager Employment Agreement. *Mayor Pamela Lewis*

Discussion ensued with the City Council regarding the proposed Employment Agreement for the City Manager as presented by Mayor Lewis. Mayor Lewis advised that a discussion between she and the City Manager had resulted in Ms. Judd agreeing to stay until September 30, 2018. She worked diligently and Mayor Lewis believed it was a fair package. The City Council agreed. Vice Mayor Timberlake requested that a new Agreement be drafted to incorporate the new language and delete the non-applicable language. Ms. Judd thanked the City Council for their support.

A MOTION WAS MADE BY VICE MAYOR TIMBERLAKE TO APPROVE THE EXTENSION TO THE CITY MANAGER'S CONTRACT AS OUTLINED IN THE PACKAGE. THE MOTION WAS SECONDED BY COUNCIL MEMBER BUTLER. THERE BEING NO FURTHER DISCUSSION, THE MOTION WAS APPROVED BY THE FOLLOWING ROLL CALL VOTE: AYES – COUNCIL MEMBERS CONSTANCE W. BUTLER, STEVEN R. KELLEY, B. VAN ROYAL, ROY M. TIMBERLAKE, JR., AND PAMELA J. LEWIS, MAYOR. NAYS – NONE.

6. City Manager and City Attorney Reports and/or Correspondence.

a. Executive Summary Reports – November 2016.

The City Manager acknowledged the above reports provided to the City Council for information.

The City Manager and City Attorney made comments regarding various city activities, events, operations, and projects.

Mayor Lewis recognized Joe Sobotta, 212 North Street, Green Cove Springs, who inquired about the schedule for construction of the new Shands Bridge. Council Member Royal explained that S.R. 16 East would dead-end at the old bridge and a new free ramp would be built at the new bridge. A driver would be able to exit at S.R. 13 for free or continue on to C.R. 210 for a toll.

7. City Council Reports and/or Correspondence.

The City Council made comments regarding various city activities, events, operations, and projects.

Adjournment.

There being no further business to come before the City Council, the meeting was adjourned at 10:33 p.m.

CITY OF GREEN COVE SPRINGS, FLORIDA

Pamela J. Lewis, Mayor

Attest:

Julia W. Clevinger, City Clerk